

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	William C. Phillips; Jeremy W. Odegard; Michael W. Horvath	Confirmation No.	9336
Serial No.:	10/693,001	Customer No.:	28863
Filed:	October 24, 2003	Examiner:	Darin Roberts
Docket No.:	1023-291US01	Group Art Unit:	3762
Title:	NEUROSTIMULATOR PROGRAMMER WITH CLOTHING ATTACHABLE ANTENNA		

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, William C. Phillips, declare as follows:

1. I am a named inventor in above-referenced Patent Application Serial No. 10/693,001.
2. I am an employee of Medtronic, Inc., the Assignee of record for the present application.
3. The above-referenced Patent Application Serial No. 10/693,001 claims priority to Provisional Patent Application Serial No. 60/508,511 filed October 2, 2003.
4. More than one year prior to October 2, 2003, Medtronic, Inc. requested that Technical Services for Electronics, Inc. manufacture one-hundred antenna assemblies for a medical device pursuant to assembly drawings shown in Exhibit A. Exhibit A is a two-page document assigned document number 503011 and relates to an external antenna with model number 37092 ("Model 37092 antenna"). On sheet 1, Exhibit A illustrates an assembly view of a Model 37092 antenna for a medical device programmer. On sheet 2, Exhibit A illustrates

assembled views of a Model 37092 antenna for a medical device programmer. Medtronic Inc. confidential and proprietary information has been redacted from Exhibit A.


5. More than one year prior to October 2, 2003, Technical Services for Electronics, Inc. manufactured fifty Model 37092 antennas pursuant to the request from Medtronic, Inc.

6. The fifty Model 37092 antennas manufactured by Technical Services for Electronics, Inc. more than one year prior to October 2, 2003 were used for experimental purposes, as evidenced by Exhibits B-D. Exhibit B is a forty-nine page document assigned document number 288117-70205 and entitled, "Neuro Patient Programmer Platform Electrical DVT Report." Exhibit C is a one page screen print of an internal electronic document storage and retrieval system at Medtronic, Inc., which indicates that document number 288117-70205 (Exhibit B) was modified on October 7, 2002 and June 28, 2003. Exhibit D is a twenty-nine page document entitled, "DVT Test Data for 288117-70020," and summarizes the results of tests conducted in May 2002 and June 2002. Medtronic Inc. confidential and proprietary information has been redacted from Exhibits B and D.

7. In view of this Declaration and the content of Exhibits A-D, it is clear that the fifty Model 37092 antennas manufactured by Technical Services for Electronics, Inc. more than one year prior to October 2, 2003 were not "in public use or on sale in this country, more than one year prior to the date of application for patent in the United States" under 35 U.S.C. § 102(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10/10/06

Signed: 
William C. Phillips